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CENTRAL FAX CENTER****DEC 19 2006****Atty. Docket No. CQ10191
PATENT APPLICATION**

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

REMARKS

Claims 1-31 are pending in the application. Claim 29 is amended to correct a minor typographical error. In view of the following Remarks, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

I. Claims 1-5, 14-18, and 28-30 are not anticipated

Claims 1-5, 14-18 and 28-30 stand rejected under 35 USC 102(e) due to alleged anticipation by Fiedorowicz (U.S. Patent No. 6,544,039). Applicant respectfully submits that Fiedorowicz fails to disclose all of the claimed combinations of features recited in claims 1-5, 14-18 and 28-30, as required for a proper anticipation rejection under 35 USC 102. Therefore, applicant respectfully requests withdrawal of the rejections and allowance of the claims.

Fiedorowicz discloses a method of teaching reading. While Fiedorowicz discloses determining an appropriate training stream, this training stream is based on either grade level (col. 4, line 9) or Cloze reading level assessment test, which judges the ability of a student to add *missing* words to a paragraph. However, this test for the training stream is only performed prior to the start of the testing, and is not disclosed to be performed more than once. In other words, there is no disclosure that a user could switch to another training stream dynamically.

Fiedorowicz also discloses at col. 5, lines 15-67 that task-analytic and process-oriented approaches may be used for student training. Although the Examiner states that this passage corresponds to the "at least one comprehension aid operable to help the user to comprehend the

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

displayed words” as recited in claim 1, applicant respectfully disagrees with the Examiner's assertion. For example, but not by way of limitation, applicant respectfully submits that the cited passage of Fiedorowicz is directed to the manner in which information is displayed to the user, but does not help the user to comprehend *the displayed words*. While Fiedorowicz is purportedly directed to the general teaching of reading, this is not done by helping the user comprehend the displayed words, but is instead directed to the sequence in which those words are to be displayed. If a word is displayed to the user in Fiedorowicz, applicant respectfully submits that there is no disclosed aid that helps the user to comprehend that word. Instead, Fiedorowicz relies on the sequence and process in which the display is made. This is a more general level of detail that is directed to grammatical structure, but it is not directed to helping a user *comprehend displayed words*.

Further, the Examiner asserts that col. 4, line 5 – col. 5, line 14 of Fiedorowicz discloses “determining a second word recognition level based on the determined word recognition errors” as recited in claim 1. Applicant respectfully disagrees with the Examiner's assertion. As a preliminary matter, Fiedorowicz does not disclose determining word recognition errors prior to this passage of Fiedorowicz. Thus, word recognition errors could not be the basis for any second word recognition level. Further, applicant respectfully submits that the passage identified by the Examiner does not disclose or suggest a *second word recognition level*, as recited in claim 1. The only level assessment in Fiedorowicz is made prior to the testing step, and thus, word recognition errors are not incorporated into the level determination of Fiedorowicz.

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

The Examiner responded to applicant's previous arguments at page 9 of the Office Action by simply restating the earlier position as stated in the rejection itself. Applicant respectfully submits that the Examiner's response does not clarify the relation between above-discussed claim language and Fiedorowicz. While the Examiner asserts that mastering an exercise requires determination of word level errors, applicant respectfully submits that such a statement is only provided by the Examiner, but is not present in the Fiedorowicz reference itself. Therefore, applicant respectfully requests further clarification regarding the presence of this purported disclosure of Fiedorowicz. Further, applicant respectfully disagrees with the Examiner that an accuracy determination requires necessarily supports "determining word recognition errors". To the contrary, applicant respectfully submits that there is no specific disclosure in Fiedorowicz as to *how* teaching is performed.

Instead of providing "a comprehension aid that is operable to help the user comprehend the displayed words" as required by claim 1, Fiedorowicz instead simply puts the user "on hold", but does not do anything to help that user comprehend the displayed words. In other words, it is up to the user to learn on their own within the framework of Fiedorowicz, but if the user fails to learn within that framework, the user is simply kicked out of the system and a supervisor is alerted, see col. 6, lines 9-21. Fiedorowicz is otherwise silent as to how it assists in comprehending displayed words, but is more of a drilling and testing tool that is not tutorial in nature.

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

Therefore, applicant respectfully submits that Fiedorowicz fails to disclose at least providing the user with at least one comprehension aid operable to help the user to comprehend the displayed words, determining word recognition errors based on user comprehension of the displayed words using the comprehension aid, and determining a second word recognition level of the user based on the determined word recognition errors, as recited in independent claim 1.

Turning to independent claim 14, applicant respectfully submits that Fiedorowicz fails to disclose any of the circuitry recited therein. For example, but not by way of limitation, applicant respectfully submits that Fiedorowicz fails to disclose "a comprehension aid circuit" and "a word recognition level adjusting circuit" as recited in claim 14. Applicant respectfully submits that the Examiner has not fully examined claim 1 with respect to Fiedorowicz, but has simply applied the analysis of claim 1. However, claim 14 is different from claim 1, in that claim 14 recites a structure having structural elements, including the above-mentioned circuits.

Additionally, applicant respectfully submits that the Examiner has not identified any comprehension aid display circuit for displaying comprehension aids to the user *based on the determined user recognition errors* as recited in claim 14. The Examiner has not identified any circuitry present in Fiedorowicz, and further, in his discussion of claim 1, did not identify how the comprehension aid is provided *based on the determined user recognition errors* as recited in claim 14. Similarly, applicant respectfully submits that the Examiner has not identified any circuit structure that *adjusts the word recognition level* of the user *based on the determined recognition errors*, as recited in claim 14. As explained above, Fiedorowicz only makes an initial

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

determination based on grade level or the Cloze reading level assessment test, but does not perform a separate second assessment based on word recognition errors made by the user, as required by claims 1 and 14.

Therefore, applicant respectfully submits that Fiedorowicz fails to disclose at least a comprehension aid display circuit for displaying comprehension aids to the user based on the determined user recognition errors, and a word recognition level adjusting circuit adjusting the word recognition level of the user based on the determined recognition user errors, as recited in claim 14.

Claims 2-5 and 15-18 depend from independent claims 1 and 14 respectively. Applicant respectfully submits that these independent claims are allowable at least by virtue of their dependency from the independent claims, which are believed to be allowable for at least the reasons discussed above.

With respect to independent claim 28, applicant respectfully submits that Fiedorowicz fails to disclose at least instructions for providing at least one comprehension aid to the user, the provided comprehension aid operable to help the user to comprehend the displayed words, instructions for determining word recognition errors based on user comprehension of a word using the at least one comprehension aid provided to the user, and instructions for determining a second word recognition level of a user, the first word recognition level being dynamically adjusted based on the determined word recognition errors, as recited in claim 28. Applicant respectfully submits that Fiedorowicz does not provide sufficient disclosure with respect to these

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

claim elements for at least the reasons discussed above with respect to similar claim language recited in claims 1 and 14. Thus, the Examiner is referred to those arguments.

Further, applicant respectfully submits that Fiedorowicz fails to disclose or suggest that the first word recognition level is *dynamically adjusted based on the determined word recognition errors*, as recited in claim 28. Applicant respectfully submits that Fiedorowicz makes absolutely no disclosure about further modification of the first word recognition level, or using word recognition errors as the basis for a word recognition level. Instead, Fiedorowicz only refers to grade level or the Cloze test of missing words (i.e., not errors in recognizing the displayed words themselves). Thus, applicant respectfully submits that all of the limitations of claim 28 are not fully disclosed by Fiedorowicz.

Turning to claim 29, applicant respectfully submits that Fiedorowicz fails to disclose analyzing the text *based on a theory of discourse analysis*, or *displaying a grammatically tunable text summary* based on the determined reading level, as recited in claim 29. Applicant respectfully submits that the Examiner has not identified where these claimed features are believed to be disclosed in Fiedorowicz. Thus, applicant respectfully requests clarification of the citation of these limitations in Fiedorowicz, or withdrawal of this rejection.

Further, applicant respectfully submits that Fiedorowicz fails to disclose instructions for providing at least one comprehension aid to the user, the provided comprehension aid operable to help the user to comprehend the displayed text, instructions for determining user comprehension of the text using the at least one comprehension aid provided to the user, and instructions for determining a further user reading levels based on the user comprehension and reading level, as

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

recited in claim 29, for reasons similar to those discussed above with respect to independent claims 1 and 14.

With respect to claim 30, applicant respectfully submits that the Examiner has failed to identify any disclosure in Fiedorowicz of instructions for providing at least one comprehension aid to the user, *the provided comprehension aid operable to help the user to comprehend the displayed words*, instructions for determining word recognition errors *based on user comprehension of a word using the at least one comprehension aid provided to the user*, and instructions for *determining a second word recognition level of the user, the first word recognition level being dynamically adjusted based on the determined word recognition errors*, as recited in claim 30. Applicant respectfully submits that the detailed reasons as to why Fiedorowicz does not disclose these claimed features is provided above with respect to the above-discussed independent claims reciting similar language in this regard.

Therefore, applicant respectfully requests withdrawal of this anticipation rejection, and allowance of the claims.

II. Claims 6-13 and 19-27, 29 and 31 would not have been obvious

a. Claims 6-12, 19-25, 27, 29 and 31

Claims 6-12, 19-25, 27, 29 and 31 stand rejected under 35 USC 103(a) due to alleged obviousness based on the Examiner's proposed combination of Burstein in view of Fiedorowicz. Applicant respectfully submits that the Examiner's proposed combination is improper, and does not disclose or suggest all of the claimed combinations of features recited in the foregoing

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

claims. Thus, applicant respectfully requests withdrawal of the rejections and allowance of the claims.

Burstein discloses an automated essay scoring system. More specifically, Burstein parses an essay and creates vectors of rhetorical features and syntactical features derived from the essay. These features are processed to generate a score for the essay.

Applicant respectfully submits that Burstein does not disclose the features as asserted by the Examiner. For example, but not by way of limitation, applicant respectfully submits that there is no disclosure in Burstein of “determining” a text as recited in claim 6. Instead, the text is determined *by the user*. This is the exact opposite of the claimed invention, in which the user is helped to comprehend the text. Because Burstein teaches away from the claimed invention, applicant respectfully requests that its citation as a rejecting reference is improper, and should be withdrawn.

Additionally, applicant respectfully submits that Burstein fails to disclose “displaying a grammatical tunable text summary to the user based on the determined user reading level”. Applicant respectfully submits that in Burstein, the essay scores are not provided to the user that provided the essay. Further, applicant respectfully submits that Burstein does not make any distinction about the reporting of the essay scores based on a user reading level. For example, but not by way of limitation, if a user writes an essay and the essay is scored by the system of Burstein, it is not clear why Burstein would look to the user reading level as the basis for displaying that information. Further, Burstein does not disclose or suggest who receives the

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

essay score. For example but not by way of limitation, the essay score might only be sent to a testing service or an educational institution, but the user may not receive the essay score (i.e., the user only receives a final overall result, but no summary or detailed essay scoring information).

For at least the above reasons, applicant respectfully submits that Burstein fails to disclose or suggest the foregoing features recited in claim 6 as asserted by the Examiner. Additionally, applicant respectfully submits that Burstein also does not disclose or suggest the circuitry recited in claim 19, including a grammatical tunable text summary generating circuit for determining a grammatical tunable text summary of the analyzed text, and a text determining circuit for determining display text based on a determined reading level information of a user, for at least the reasons discussed above. As noted above, applicant respectfully submits that the Examiner has not identified the claimed circuitry in the prior art, but has merely asserted that the system claims are similar to the method claims. Applicant respectfully submits that each claim must be examined individually, and the limitations must be shown in the prior art. Because the Examiner has not shown these limitations, applicant respectfully submits that the rejections of claims 6-12, 19-25, 27, 29 and 31 must be withdrawn.

Additionally, applicant respectfully submits that the Examiner has not provided sufficient motivation to demonstrate one skilled in the art at the time of the invention would not have been motivated to combine Burstein with Fiedorowicz to achieve the claimed combination of features. The basis of the motivation asserted by the Examiner is for the purpose of improving comprehension ability and vocabulary.

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

Applicant respectfully submits that the Examiner has only asserted that the references *could* be combined. However, this is insufficient motivation for combination, as explained at MPEP 2143.01.III. Further, applicant respectfully submits that in the absence of any other motivation in the prior art, the only possible motivation known to applicant is the applicant's disclosure of the claimed invention. However, this constitutes impermissible hindsight under *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In the absence of any other proper motivation expressed by the Examiner, applicant respectfully submits that there is no proper motivation to combine Burstein with Fiedorowicz.

As admitted by the Examiner, Burstein fails to disclose determining user comprehension of the text using the at least one comprehension aid provided to the user, and determining a further user reading levels based on the user comprehension and reading level, and proposes to combine Fiedorowicz with Burstein to cure this admitted deficiency. However, as explained above, Fiedorowicz fails to disclose or suggest these claimed features, as recited at least in independent claims 1 and 14.

Further, applicant respectfully submits that Burstein is not at all directed to score improvement, but simply score measurement for standardized tests of essays *written by a user*. In contrast, Fiedorowicz discloses teaching the user how to read, but is not at all directed to writing essays. Applicant respectfully submits that the tests scored by Burstein are so substantially different from the tests given by Fiedorowicz that the two references could not be properly

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

combined without destroying the functionality of either reference, even if *arguendo* motivation existed for such a combination.

Claims 7-12 and 20-25 depend from independent claims 6 and 19 respectively. Applicant respectfully submits that these independent claims are allowable at least by virtue of their dependency from the independent claims, which are believed to be allowable for at least the reasons discussed above.

Turning to independent claim 27, applicant respectfully submits that the proposed combination of references fails to disclose or suggest displaying a grammatical tunable text summary based on the determined reading level, determining user comprehension errors for the text, and determining a second user reading level based on the user comprehension and reading level, for at least the reasons discussed above with respect to the foregoing rejections. Additionally, applicant respectfully submits that the Examiner has not identified any disclosure or suggestion of "displaying comprehension aids based on at least the determined user comprehension errors, a language of instruction, and the determined user reading level", as recited in claim 27. Applicant respectfully submits that none of the cited references use the language of instruction as a basis for determining the display of a comprehension aid. The disclosures in Burstein and Fiedorowicz do not provide any indication that language of instruction is a consideration.

For independent claim 29, applicant respectfully submits that the proposed combination of references fails to disclose or suggest an instruction for displaying a grammatical tunable text

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

summary based on the determined reading level, instructions for providing at least one comprehension aid to the user, the provided comprehension aid operable to help the user to comprehend the displayed text, instructions for determining user comprehension of the text using the at least one comprehension aid provided to the user, and instructions for determining a further user reading levels based on the user comprehension and reading level, as recited in claim 29, for at least the reasons discussed above.

With respect to independent claim 31, applicant respectfully submits that the proposed combination of references fails to disclose or suggest instruction for displaying to the user a grammatical tunable text summary based on the determined reading level, instructions for providing at least one comprehension aid to the user, the provided comprehension aid operable to help the user to comprehend the displayed text, instructions for determining user comprehension of the text using the at least one comprehension aid provided to the user, instructions for determining a further user reading levels based on the user comprehension and reading level, as recited in claim 31, for at least the reasons discussed above. Applicant respectfully submits that the Examiner has not shown any disclosure or suggestion of this claimed combination of features in the cited references.

In view of the foregoing, applicant respectfully requests withdrawal of these rejections, and allowance of these claims.

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

b. Claims 13 and 26

Claims 13 and 26 stand rejected under 35 USC 103(a) due to alleged obviousness based on the Examiner's proposed combination of Burstein, Fiedorowicz and Calgren. However, applicant respectfully submits that the Examiner's proposed combination lacks proper motivation, and also fails to disclose or suggest all of the claimed combinations of features recited in claims 13 and 26.

Applicant respectfully submits that Burstein is directed to automated mass processing of test scores, and are not designed to provide any user with a "personalized" reading instruction. Burstein is directed to reducing tedious and burdensome work, and is standardized. Applicant respectfully submits that a modification of this reference to personalize the system would destroy the functionality of those references, because they would no longer be able to perform their primary function, which is to process large numbers of tests in a standard manner.

Further, applicant respectfully submits that the motivation provided by the Examiner is not found in the cited prior art, and further, applicant respectfully submits that the references are not directed to the motivation provided by the Examiner. For example but not by way of limitation, applicant respectfully submits that Calgren is directed to a text processing system, but is not directed to improving the reading abilities of any of the users. It is only a text processing system, and a dictionary adaptable to the user's level. There is no disclosure in Calgren that a user will advance their comprehension based on use of the disclosed text processing system. In

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

fact, Calgren teaches just the opposite: changing the dictionary to meet the user's skill level, rather than changing the user's skill level so that the user could use the standard dictionary.

Similarly, Burstein is not directed to improving the comprehension ability of a user, but simply scoring an essay that was already written by the user. There is no feedback to the user as to how that essay may be improved, and there is no disclosure that the result of the essay scoring forms the basis for any further act, such as the display of a result to a user.

For at least the foregoing reasons, applicant respectfully submits that the general motivation asserted by the user is not found in Burstein or Calgren, and there is no explanation by the Examiner as to why Fiedorowicz is insufficient on its own to achieve the motivation set forth by the Examiner.

For at least these reasons, applicant respectfully submits that the proposed combination of references fails to disclose or suggest all of the claimed features. Withdrawal of the rejections is respectfully requested.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Atty. Docket No. CQ10191
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/987,420

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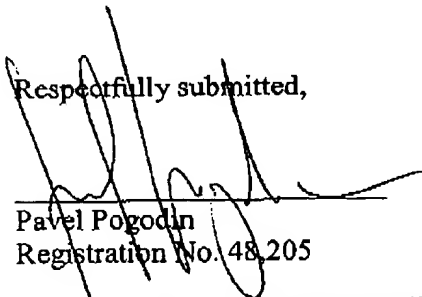
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CUSTOMER NUMBER

Date: December 19, 2006

Respectfully submitted,


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.116 is being facsimile transmitted to the U.S. Patent and Trademark Office this 19th day of December, 2006.


Monica Moreno